

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

SECOND DAY

(Continued)

(Friday, June 14, 2013)

AFTER RECESS

The Senate met at 10:25 a.m. and was called to order by the President.

SENATORS ANNOUNCED PRESENT

Senators Campbell, Ellis, Hancock, and Paxton, who had previously been recorded as "Absent-excused," were announced "Present."

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Deuell was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Duncan was granted leave of absence for today on account of important business.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate a Texas Boys State delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 66

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Hispanic Women's Network of Texas on the special occasion of its 27th anniversary; and

WHEREAS, The concept for the Hispanic Women's Network of Texas began in 1986 when several notable women came together to discuss the need for a statewide organization to address the specific needs of Hispanic women; and

WHEREAS, A steering committee was formed of 10 women from different geographic areas across the state who would poll their respective regions and meet in a statewide setting; a conference was held in Dallas in 1987 with 200 women from diverse backgrounds and occupations, who made a commitment to remain united and focus attention on common issues; that commitment remains at the forefront of the organization's efforts today; and

WHEREAS, Members of the Hispanic Women's Network of Texas work to cultivate the social, cultural, legal, and educational interests of Hispanic women, and they have supported and sponsored such events as the Women's Right to Vote Celebration, Hispanic Summit and Emerging Leaders Conference, and other educational, mentoring, and intergenerational programs; and

WHEREAS, The Hispanic Women's Network of Texas now has chapters in Austin, Corpus Christi, Dallas, Denton, Fort Worth, Houston, Laredo, the Rio Grande Valley, and San Antonio; members strive to celebrate and foster the positive image and values of the Hispanic culture; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the members of the Hispanic Women's Network of Texas for their continuing commitment, support, and recognition of the exceptional contributions of Hispanic women to their communities and this state; and, be it further

RESOLVED, That a copy of this Resolution be prepared to commemorate the 27th anniversary of the creation of the Hispanic Women's Network of Texas.

ZAFFIRINI	HINOJOSA	VAN DE PUTTE
DAVIS	LUCIO	WATSON
ELLIS	RODRÍGUEZ	WEST
GARCIA	URESTI	WHITMIRE

SR 66 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini, joined by Senators Van de Putte and Garcia, was recognized and introduced to the Senate a Hispanic Women's Network of Texas delegation, accompanied by Mary Jane Garza, Board of Directors Chair; Dora Trinidad-Campos, Chair-elect; Linda Escamilla, Vice-chair of Marketing; Elizabeth Medina, Austin Chapter State Representative; and Lupe Morin, Executive Director.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 10:45 a.m. announced the conclusion of morning call.

SENATE BILL 2 ON SECOND READING

The President laid before the Senate **SB 2** by Senator Seliger at this time on its second reading:

SB 2, Relating to the composition of districts for the election of members of the Texas Senate.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2** (senate committee printing) by striking SECTION 2 of the bill (page 1, lines 36 through 57) and renumbering the remaining SECTIONS of the bill accordingly.

ZAFFIRINI

ELLIS
WEST

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Carona, Deuell, Duncan, Taylor.

Absent: Van de Putte.

On motion of Senator Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 2 as amended was passed to engrossment by the following vote: Yeas 26, Nays 0.

Absent-excused: Carona, Deuell, Duncan, Taylor.

Absent: Van de Putte.

REMARKS ORDERED PRINTED

On motion of Senator Davis and by unanimous consent, the remarks regarding **SB 2** were ordered reduced to writing and printed in the *Senate Journal*.

The remarks were printed in an addendum to this day's Journal.

STATEMENT REGARDING SENATE BILL 1 AND SENATE BILL 2

Senator Ellis submitted the following statement regarding **SB 1** and **SB 2**:

I am aware that the Plaintiffs in the Senate redistricting plan have now won agreement from attorneys representing the State of Texas to abandon efforts to dismantle Senate District 10—a district where minority voters have elected their candidate of choice, my colleague Senator Wendy Davis, in 2008 and 2012. And, I'm pleased that all parties to the Senate redistricting law suit have agreed to leave the boundaries of Senate District 10 exactly the same as they existed before the 2011 round of redistricting, as they are in the Interim Senate map. In light of this, and if Senator Zaffirini's amendment to eliminate Section 2 of the proposed legislation, which removes language stating that these maps are undeniably constitutional – I intend to vote in favor of the bill adopting Court-ordered Interim Senate Redistricting Plan S172 for use in the 2014 elections.

However, I also want to note for the record that the Interim Senate Plan does not fairly reflect the population or voting strength of minority citizens in the Harris County region. I made this point in 2011 and I make it again here today. It is certainly possible that at some point in the future that there will be a legal challenge to the Senate boundaries in the Harris County region as part of an effort obtain a fairer district configuration.

There are over 1.8 million Latinos and over 938,000 African Americans in Harris County and Fort Bend County combined. If you add Asians and other minority residents in the two counties, the overall total is about 3.5 million compared to 1.5 million Anglos.

Under the interim map configuration, which maintained all Senate boundaries as drawn by the Legislature in 2011 in every part of the State except for the DFW region, these minority residents are packed into three Senate Districts and then cracked among several others.

My Senate District 13 has a black plus Hispanic population of nearly 90 percent. Senate District 6 has non-Anglo population of 88 percent. Senate District 15 has a combined black plus Hispanic population of 72 percent. Obviously, all three districts are overwhelmingly Democratic.

The other 5 Senate districts are very carefully constructed to absorb some minority population, but too much - certainly not enough to permit the minority voters to elect their candidate of choice. In each of these districts, the combined population is always over 30 percent, but just under or barely over 50 percent. In each one, minority voters are overwhelmed by Anglo voters who bloc vote against minority preferred candidates - by design.

As noted above, the interim map retains the configuration in the Harris County region that was adopted by the Legislature in 2011. When Texas legislative leaders redrew the Senate map in our area in 2011, there was an opportunity to create a fourth district (SD 17) in the region that was on the cusp of seeing minority voters elect their candidate of choice.

In Senate District 17, under the previous decade's map, the total minority population had grown to just over 62 percent, according to the 2010 census. The Black population alone was almost 20 percent (18.7%).

Rather than take the next step and empower the minority voters in District 17, the Legislature did just the opposite and reversed the growing influence of Black and other minority voters in the district. The total minority population was reduced by over 10 points and the Black population was cut by a third.

At the same time, the minority populations in the three existing minority districts - SDs 6, 13 and 15 was maintained at or increased to levels far higher than necessary to give minority voters an opportunity to elect their candidate of choice.

Packing or over-concentrating minority voters into districts, as the State did in 2011 with respect to Districts 6, 13 and 15 and which remained under the interim Senate plan, effectively wasted votes that might have been used to create an additional effective minority opportunity district.

Neither I nor anyone else is making a partisan argument that we need more Democratic seats in the Houston area, or anywhere else in Texas. Now, of course, I would like more Democratic seats, but that is not the argument.

What I'm saying, and what I'm giving as a little bit of a warning to our Leadership, is that maps are being drawn by the Legislature that go beyond being partisan. They are specifically designed to undermine the voting strengths and the voting rights of the minority residents in our State, particularly in my region of the State.

The State's attorneys had to give in on Senate District 10, so we're going to be able to pass a plan that restores that district. Restoration of SD was a good thing for minority voters. Had there been a challenge in the Houston area, you might have been forced to give in there too. And, I'm not sure that type of challenge won't come before we get around to the next census.

SENATE BILL 4 ON SECOND READING

The President laid before the Senate **SB 4** by Senator Seliger at this time on its second reading:

SB 4, Relating to the composition of districts for the election of members of the United States House of Representatives from Texas.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 4** (senate committee printing) by striking SECTION 2 of the bill (page 1, lines 37 through 58) and renumbering the remaining SECTIONS of the bill accordingly.

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 11, Nays 15.

Yeas: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Campbell, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Williams.

Absent-excused: Carona, Deuell, Duncan, Taylor.

Absent: Van de Putte.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 4** (senate committee printing) as follows:

(1) Strike SECTIONS 1, 2, and 3 of the bill and substitute the following appropriately numbered SECTIONS:

SECTION _____. The redistricting plan identified as PLANC245 on the redistricting computer system operated by the Texas Legislative Council is adopted as the permanent plan for districts used to elect members of the United States House of Representatives from the State of Texas.

SECTION _____. (a) This Act supersedes all previous enactments or orders adopting congressional districts for the State of Texas.

(b) Chapter 1 (S.B. 4), Acts of the 82nd Legislature, 1st Called Session, 2011 (Article 197j, Vernon's Texas Civil Statutes), is repealed.

SECTION _____. The districts included in the redistricting plan adopted under Section _____ of this Act apply to the election of the members of the United States House of Representatives from Texas beginning with the primary and general elections in 2014 for members of the 114th Congress. This Act does not affect the membership or congressional districts of the 113th Congress.

(2) Correct cross-references in the bill accordingly.

The amendment to **SB 4** was read.

Senator Watson withdrew Floor Amendment No. 2.

SENATOR ANNOUNCED PRESENT

Senator Taylor, who had previously been recorded as "Absent-excused," was announced "Present."

Senator West offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 4** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, between "Council," and "is hereby" (page 1, line 34), insert "as modified by substituting the districts contained in PLANC248 on the redistricting computer system operated by the Texas Legislative Council, appropriately renumbered if necessary, for the corresponding districts in the modified plan,".

(2) Strike SECTIONS 2 and 3 of the bill and substitute the following appropriately numbered SECTIONS:

SECTION _____. (a) This Act supersedes all previous enactments or orders adopting congressional districts for the State of Texas.

(b) Chapter 1 (S.B. 4), Acts of the 82nd Legislature, 1st Called Session, 2011 (Article 197j, Vernon's Texas Civil Statutes), is repealed.

SECTION _____. The districts included in the redistricting plan adopted under Section _____ of this Act apply to the election of the members of the United States House of Representatives from Texas beginning with the primary and general elections in 2014 for members of the 114th Congress. This Act does not affect the membership or congressional districts of the 113th Congress.

(3) Correct cross-references in the bill accordingly.

The amendment to **SB 4** was read.

(Senator Eltife in Chair)

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Van de Putte was granted leave of absence for the remainder of the day on account of important business.

On motion of Senator Seliger, Floor Amendment No. 3 was tabled by the following vote: Yeas 16, Nays 11.

Yeas: Birdwell, Campbell, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Nays: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Absent-excused: Carona, Deuell, Duncan, Van de Putte.

On motion of Senator Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 4 as amended was passed to engrossment by the following vote: Yeas 16, Nays 11.

Yeas: Birdwell, Campbell, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Nays: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Absent-excused: Carona, Deuell, Duncan, Van de Putte.

REMARKS ORDERED PRINTED

On motion of Senator West and by unanimous consent, all remarks regarding **SB 4** were ordered reduced to writing and printed in the *Senate Journal*.

The remarks were printed in an addendum to this day's Journal.

SENATE BILL 3 ON SECOND READING

The Presiding Officer laid before the Senate **SB 3** by Senator Seliger at this time on its second reading:

SB 3, Relating to the composition of districts for the election of members of the Texas House of Representatives.

The bill was read second time and was passed to engrossment by the following vote: Yeas 16, Nays 11.

Yeas: Birdwell, Campbell, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Nays: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Absent-excused: Carona, Deuell, Duncan, Van de Putte.

SENATE BILL 23 ON SECOND READING

The Presiding Officer laid before the Senate **SB 23** by Senator Huffman at this time on its second reading:

SB 23, Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

The bill was read second time and was passed to engrossment by the following vote: Yeas 27, Nays 0.

Absent-excused: Carona, Deuell, Duncan, Van de Putte.

CO-AUTHOR OF SENATE BILL 9

On motion of Senator Birdwell, Senator Campbell will be shown as Co-author of **SB 9**.

CO-AUTHOR OF SENATE BILL 23

On motion of Senator Huffman, Senator Lucio will be shown as Co-author of **SB 23**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 67 by Watson, In memory of Paul Olefsky.

SR 72 by Hegar, In memory of Christopher Earl Ullrich "Hoss" Linzza.

Congratulatory Resolutions

SR 36 by Hancock, Recognizing Charles Swearengen for his service as a member of the Hurst City Council.

SR 37 by Ellis, Recognizing Lee G. Hobbs for being named chief information officer for TransCanada.

SR 48 by Hancock, Recognizing Sue and Gary Vignaroli on the occasion of their 50th wedding anniversary.

SR 68 by Davis, Recognizing Gleniece A. Robinson for receiving a Lifetime Achievement Award.

SR 70 by Davis, Recognizing Stephen L. Brotherton for being named president of the Texas Medical Association.

SR 73 by Davis, Recognizing Liz Poster on the occasion of her retirement.

SR 74 by Ellis, Recognizing Mu'azu Babangida Aliyu for receiving the Global Empowerment Award for 2013.

SR 75 by West, Recognizing Tuskegee Airman Calvin J. Spann for his service to his country.

Official Designation Resolution

SR 69 by Hegar, Recognizing the 'Dam' LakeFest BBQ Cook-off as a Texas State Barbecue Championship competition.

Legislative Policy Resolution

SR 71 by Taylor, Expressing commitment to the elimination of illegal fishing.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:57 p.m. adjourned until 1:00 p.m. today.

APPENDIX

RESOLUTIONS ENROLLED

June 12, 2013

SR 35, SR 38, SR 39, SR 40, SR 41, SR 42, SR 43, SR 44, SR 45, SR 46, SR 47, SR 49, SR 50, SR 51, SR 52, SR 53, SR 54, SR 55, SR 56, SR 57, SR 58, SR 59, SR 60, SR 61, SR 62, SR 63, SR 64, SR 65